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February 19, 2014

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: DIBA Family Limited Partnership, et al. v. David Ross, et al.: 13-cv-6384 (LGS) (JLC)

Dear Judge Schofield:

This firm represents defendants David Ross and Helen Werngren-Ross (the “Ross Defendants”) in the above-referenced case. We write on behalf of the parties to respectfully request that Your Honor: (i) extend the February 24, 2014 deadline by which the Ross Defendants are required to answer, move or otherwise respond to the Second Amended Complaint; and (ii) enter a briefing schedule for the contemplated dismissal motion.¹

As of this writing, the parties are continuing to work together in order to search for certain documents filed in connection with the underlying litigation proceedings in New York state court. In particular, the parties are working to obtain files from the New York City Civil Court. Plaintiffs’ counsel has requested these files and has been advised that it may take up to 16 weeks to retrieve these files from archives. These documents may impact the disposition of this matter, and, should the parties’ search for such documents prove successful, both parties may submit such documents in connection with any motion to dismiss. As this Court is aware, Your Honor may look to public records, including documents filed in state court proceedings, in connection with deciding a motion to dismiss. See *Blue Tree Hotels Inv. (Canada) Ltd. v. Starwood Hotels & Resorts Worldwide*, 369 F.3d 212, 217 (2d Cir. 2004).

Accordingly, to enable sufficient time for the parties to obtain and review these state court filings, the parties jointly request that the Court enter the following briefing schedule:

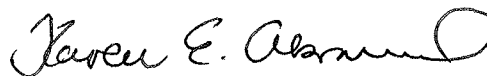
¹ This is the second request for an extension of this deadline. The Ross Defendants previously requested an extension to enable the parties’ settlement conference to proceed before Magistrate Judge Cott, and the Court granted the prior request.

Hon. Lorna G. Schofield
February 19, 2014
Page 2

April 4, 2014	Ross Defendants to submit initial motion papers;
May 2, 2014	Plaintiffs to submit opposition motion papers; and
May 16, 2014	Ross Defendants to submit reply motion papers.

Plaintiffs' counsel joins in the request set forth in this letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen E. Abravanel". The signature is fluid and cursive, with a large, stylized "K" and "A".

Karen E. Abravanel
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